

January 7, 2022

**By ECF**

Honorable Ona T. Wang  
United States Magistrate Judge  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street, Courtroom 20D  
New York, New York 10007

Re: Joint status letter in *Natural Resources Defense Council, Inc. v. U.S. Department of the Interior*, No. 1:18-cv-650-OTW

Dear Judge Wang:

Pursuant to the Court's Order of April 22, 2021 (ECF No. 62), the parties respectfully submit this status letter regarding the status of Defendants' responses to Plaintiff's Freedom of Information Act (FOIA) requests.

**I. Continuing searches and productions by the Department of the Interior**

The Department of the Interior, acting through the Bureau of Land Management, is continuing to make monthly productions in response to Plaintiff's FOIA requests (and other FOIA requests) by posting responsive records on its public website. Interior is also producing a draft *Vaughn* index for each monthly production. Assuming Interior continues processing and posting responsive documents and producing draft *Vaughn* indices on a monthly basis, and assuming other circumstances do not change, Plaintiff considers the pace and manner of production to be satisfactory.

**II. Resolution of the case regarding the Department of Commerce**

The Department of Commerce completed its productions in September 2019. Plaintiff has represented to the Court that it will request nothing further with respect to Commerce's productions. Counsel for both parties are in discussions regarding fee recovery. If NRDC and Commerce are able to reach a satisfactory agreement on that issue, the parties will at that time present the Court with a proposal to resolve the case with regards to Commerce.

**III. Proposed next steps**

In light of the foregoing, the parties respectfully offer the following proposals:

(1) Interior will continue processing 1,500 pages of documents potentially responsive to Plaintiff's and other national monuments-related FOIA requests each month, and will produce any and all non-exempt, responsive documents on the 15<sup>th</sup> day of each month (or the following business day, if the 15<sup>th</sup> falls on a weekend or holiday), along with accompanying draft *Vaughn* indices.

(2) NRDC and Commerce will continue to discuss fee recovery, and, if both parties are able to reach a satisfactory agreement, will propose to the Court a means to resolve the case with regards to Commerce.

Pursuant to the Court's Order of April 22, 2021 (ECF No. 62), the parties will file another joint status report by April 7, 2022, at which time they will update the Court on the progress of the next steps described above.

Respectfully submitted on this 7th day of January, 2022,

/s/ Francis W. Sturges, Jr.  
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